

**RULES
OF
DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF FIRE PREVENTION**

**CHAPTER 0780-2-17
LIQUEFIED PETROLEUM GAS SAFETY REGULATIONS**

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0780-2-.01 DEFINITIONS.

- (1) As used in this Chapter, unless the context otherwise requires:
 - (a) “LP Gas business” shall mean the liquefied petroleum gas business in Tennessee.
 - (b) “Division” shall mean the Division of Fire Prevention of the Department of Commerce and Insurance.
 - (c) “NFPA” is the abbreviation for the National Fire Protection Association.
 - (d) “R.M.E.” shall be the abbreviation for a responsible managing employee for all classes of licensed LP Gas dealers excepting Class V, who shall be designated by such licensees at each facility operated by same, and whose responsibility shall be to maintain a close watch in their individual business facility over the safety standards adopted in these rules.
 - (e) “Good engineering practice” and the bottle exchange business’ will be used to describe the type of safe placement for LP gas containers awaiting commercial use or resale.
 - (f) “T.C.A.” shall mean the Tennessee Code Annotated as relating to the “Liquefied Petroleum Safety Act of Tennessee” in Title 68, Chapter 135 of same.

Authority: T.C.A. §§68-135-101, 68-135-107, and 68-102-113. **Administrative History:** Original rule filed April 21, 1994; effective July 5, 1994.

0780-2-17-.02 ADOPTION BY REFERENCE.

- (1) Unless otherwise provided by applicable law or the provisions of this Chapter, the required minimum standards of engaging in the liquefied petroleum gas business in the State of Tennessee shall be those prescribed in Tenn. Code Ann. Title 68, Chapter 135 et seq. and those in the following publications published by the National Fire Protection Association, Inc. (NFPA), Post Office Box 9101 Batterymarch Park, Quincy, Massachusetts 10029-9101:
 - (a) The 1998 edition of NFPA 58, Standard for the Storage and Handling of Liquefied Petroleum Gases, in its entirety; however, excluding the following sections and chapters: Chapter 6 including sections 6-1, 6-2, 6-4, 6-5, all of Chapter 8, and all of Chapter 10; and
 - (b) Those applicable portions of the 1999 edition of NFPA 54, National Fuel Gas Code that are related to LP Gas in the vapor phase.
- (2) In the event of a conflict or inconsistency between these codes adopted by reference, the more stringent code provision shall control; and in the event of a conflict or inconsistency between these

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codes adopted by reference and Tenn. Code Ann. Title 68, Chapter 135, the provisions of Title 68, Chapter 135 shall control.

- (3) Except where the context requires otherwise and in no way excluding the NFPA definitions adopted by reference, these rules adopt the same purpose and definitions as found in Tenn. Code Ann. § 68-135-101.

Authority: T.C.A. §§68-135-101, 68-135-107, and 68-102-113. **Administrative History:** Original rule filed April 21, 1994; effective July 5, 1994. Amendment filed November 25, 2002; effective February 8, 2003.

0780-2-17-.03 EXAMINATIONS AND RESPONSIBLE MANAGING EMPLOYEES.

- (1) At all liquefied petroleum gas business facilities, including all dealers licensed as Class I, Class II, Class III, and Class IV, where those facilities are directly engaging in the delivering, installing, or servicing of liquefied petroleum gas equipment and appliances, there shall be at least one person and full-time employee thereof to be known hereafter as the R.M.E. (i.e., responsible managing employee) whose responsibility shall be to maintain a close watch over the activities engaged in to insure that the minimum safety standards adopted are correctly followed at their individual business facility.
- (2) An R.M.E. shall be determined and designated by all licensees at each and every business facility currently licensed and engaging in the activities described in subsection (1) above, which shall mean one individual per location. Current LP Gas business licensees shall make these selections known to the Division within six months of the effective date of these rules. All applicants who become licensed after the effective date of these rules will from the date of receiving their license have three months to designate an R.M.E. and so inform the Division.
- (3) The R.M.E. shall be examined by the Division for the purpose of determining whether he/she has adequate knowledge of these regulations promulgated by the State Fire Marshal in the interest of safeguarding life, health, and property.
- (4) The R.M.E. may for the express language of NFPA 58, as adopted in Chapter 1-6 of same, be so construed to mean the training agent referred to in that section.
- (5) This rule will not effect the applicant, or in the case of a firm or corporation, the person charged with the active management thereof, whether or not that person is designated as an R.M.E., who will also be examined for the stated purpose by the Division as per T.C.A. '68-135-103.
- (6) The examination shall cover the minimum standards of the codes adopted by reference herein, and shall be given by the Division at its discretion at reasonable times and locations to all those persons as required by these rules and by law to take the exam.
- (7) The applicant, or in the case of a firm or corporation, the person charged with the active management thereof, and/or the R.M.E. should contact the Division of Fire Prevention, Permits and Licenses Section, for arrangements to take the exam within the time limits stated in (2) above.

Authority: T.C.A. §§68-135-103, 68-135-107, and 68-102-113. **Administrative History:** Original rule filed April 21, 1994; effective July 5, 1994

0780-2-17-.04 STORAGE OF PORTABLE CONTAINERS AWAITING USE OR RESALE.

- (1) With respect to NFPA 58 as adopted herein at chapter 5-4-.2 the terms "engineering practice", as those terms related to what is commonly referred to as "the bottle-exchange business", where certain portable LP Gas containers are in commerce awaiting use or resale, "good engineering practice" will in actual practical terms require the safe placement of those containers at the establishment where they

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are located by the owner or person responsible for their placement. Such safe placement and storage will be subject to the approval of the Division through its fire safety inspectors.

Authority: *T.C.A. §§68-135-103, 68-135-107, and 68-102-113. Administrative History: Original rule filed April 21, 1994; effective July 5, 1994.*

0780-2-17-.05 PENALTIES AND ENFORCEMENT.

- (1) Regarding the LP Gas business in Tennessee, the Division shall undertake an active enforcement policy with regards to any violations, of T.C.A. Title 68, Chapter 135 *et seq.*, and/or these regulations as adopted.
- (2) Any written complaints of violations of the law or regulations or reports made pursuant to *T.C.A. §68-135-109* shall result in an investigation by the Division to determine their validity. After such investigation if there are grounds to prove that an individual engaging in the LP Gas business has violated the law or regulations, the Fire Marshal shall convene a hearing after affording all due process under *T.C.A. §68-135-106*. At the conclusion of such hearing, and upon a finding of fault the State fire Marshal may revoke or suspend any license or renewal previously granted.
- (3) Where the violation is one which is particularly hazardous to the public or is in blatant disregard of the law or regulations, the State Fire Marshal may proceed in its discretion with either criminal or civil penalties as provided in the law at *T.C.A. §§68-135-110 and 68-135-111*.

Authority: *T.C.A. §§68-1-2-113, 68-135-106, 68-135-107, 68-135-110, and 68-135-111. Administrative History: Original rule filed April 21, 1994; effective July 5, 1994.*